

**PLANNING COMMISSION RESOLUTION 2005-016  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2005-829  
TARLOS AND ASSOCIATES – WENDY'S RESTAURANT  
ADOPTED: MAY 24, 2005**

**GENERAL**

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this site development plan. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.

2. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain applicable permits and/or clearances from the following public agencies:

Fire Marshal  
Public Works Department (Grading Permit, Improvement Permit)  
Community Development Department  
Riverside Co. Environmental Health Department  
Desert Sands Unified School District  
Coachella Valley Water District (CVWD)  
Imperial Irrigation District (IID)  
California Water Quality Control Board (CWQCB)  
SunLine Transit Agency  
SCAQMD Coachella Valley

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

3. Permits issued under this approval may be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s). If previously paid by the developer, the applicant shall provide proof of payment with the building permit application.

PROPERTY RIGHTS

4. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction, and reconstruction of essential improvements.
5. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
6. If the City Engineer determines that access rights to proposed street rights of way shown on the approved Site Development Plan are necessary prior the applicant dedicating the rights of way, the applicant shall grant the necessary rights of way within 60 days of written request by the City.
7. The applicant shall create perimeter setbacks/public utility easements along public rights of way as follows:
  - A. La Quinta Drive – 10-foot from the R/W-P/L as specified in the Specific Plan 97-029.

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

8. Direct vehicular access to this Site Development Permit site is restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. No direct access from Parcel 10 is permitted to La Quinta Drive.
9. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, and common areas.
10. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.

## IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

11. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.
12. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

- |                                 |                     |
|---------------------------------|---------------------|
| A. On-Site Precise Grading Plan | 1" = 30' Horizontal |
| B. PM10 Plan                    | 1" = 40' Horizontal |

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

"On-site Precise Grading" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements including ADA accessibility to surrounding buildings, parking facilities and public streets.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

13. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City Resolution, the applicant may acquire standard plan and/or detail sheets from the City.
14. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

#### IMPROVEMENT AGREEMENT

15. In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of the development or building permit, reimburse the City for the cost of those improvements.

#### GRADING

16. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
17. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
18. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction.

### DRAINAGE

19. "Stormwater handling shall conform with the approved hydrology and drainage plan for Parcel Map 30420. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer.

### UTILITIES

20. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
21. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

### PARKING LOTS and ACCESS POINTS

22. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). The applicant shall redesign the parking area adjacent to the eastern store front to provide better maneuverability for vehicle back out and conformance with LQMC Chapter 9.150 (Parking). The applicant shall consider angled parking stalls in the redesign to provide better maneuverability while maintaining the 6 stalls.

Entry drives, main interior circulation routes, corner cutbacks, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

23. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

### LANDSCAPING

24. The applicant shall provide landscaping in required setbacks and park areas.
25. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

26. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.

### QUALITY ASSURANCE

27. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
28. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
29. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
30. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.



### MAINTENANCE

31. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

### FEES AND DEPOSITS

32. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
33. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

### COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

34. The wall bordering the drive-through aisle shall be 4 feet in height (as measured from the drive-through aisle grade), painted split-faced block, painted in one of the building colors as presented on the materials board.
35. A hedge shall be planted from the end of the drive-through wall at the southern property line to the pedestrian crosswalk. The plant type for the hedge shall be provided in the final landscaping plan for the project.
36. The metal canopy color shall be consistent with the color shown on the materials board, but of a deeper tone. The under-side of the canopy shall be painted one of the two lightest colors shown on the materials board.
37. The bird of paradise shown on the landscaping plan adjacent to the west wall of the building shall be replaced with lantana as groundcover, and espaliered vines on the building.
38. The Chilean mesquite shall be replaced with an alternate tree.
39. The final landscaping plan shall include the plantings within the landscaped parkway on La Quinta Drive.

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40. The final landscaping and grading plan for the project shall be submitted to the Planning Commission for review and approval prior to the issuance of building permits.
41. Directional arrows shall be painted on the parking drives as shown on the project site plan. "Wrong Way, Do Not Enter" signs shall be placed immediately south of the trash enclosure facing south, and at the north end of the parking island facing northeast
42. No signage is approved as part of this permit. Signage applications shall be submitted separately, and shall conform to the Zoning Ordinance and Sign Program for this site.